

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

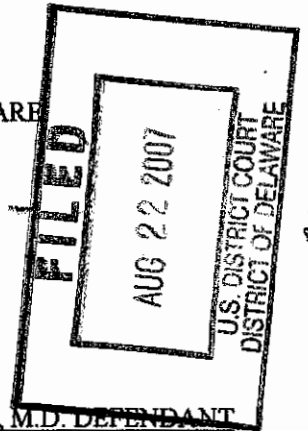
DAVID R. RUSH,
Plaintiff,

v.

CORRECTIONAL MEDICAL SERVICES, Inc, et al,
Defendants.

- 0 7 - 5 1 4 -

C.A. _____

MOTION FOR LEAVE TO DOCKET AND PROCESS COMPLAINT THAT NAMES A JOHN DOE, M.D. DEFENDANT

Plaintiff, Rush, pro se, hereby respectfully requests, pursuant to the appropriate Local Rule of the United States District Court for the District of Delaware and Fed. R. Civ. P., and does respectfully request leave from the Court to docket and process Rush's complaint, which includes one John Doe, M.D. defendant. Rush seeks permission to Amend the John Doe defendant and complete any unknown/incomplete address information for any remaining unserved defendants once Rush obtains initial discovery from defendant Correctional Medical Services (CMS). (Enclosed is Rush's initial discovery, which will act to obtain any unknown/incomplete defendant information).

Rush is pro se and seeks pleading leniency pursuant to Haines v. Kerner, 404 U.S. 519 (1972). Rush offers the following in support:

1. Rush files the instant motion for leave to docket and process His complaint and give notice of the need to subsequently amend the complaint when Rush receives initial discovery (e.g. correct name for John Doe defendant and correct address information for any unserved defendants).
2. Rush names CMS as the primary corporate defendant and CMS's present and past employee defendants do not wear name tags and are reluctant to disclose their names when asked to.
3. Thus, Rush will request initial discovery from CMS once service has been realized to obtain any unknown information in a timely fashion.
4. Absent leave from the Court to permit Rush to file and process His complaint and serve CMS and the known defendants and also obtain initial discovery to identify unknown defendants, Rush will experience prejudice. (e.g. statute of limitations may run on some of the claims).

WHEREFORE, Rush prays that the Court docket Plaintiff's complaint and permit Him to file initial discovery so that Rush may amend the complaint to identify the John Doe defendant, and any other unknown defendant information.

David Rush

David Rush, SBI # 173418
DCC, W-1, D-16
1181 Paddock Rd.
Smyrna, DE

8-17-07

Date